

**INLAND WETLANDS COMMISSION
REGULAR MEETING
June 1, 2016**

MEMBERS:

Mary Davis, Chair
Sally MacKenzie
Marcia Puc - absent
Tracy DeBarber
Mark Bakstis
Alex Olbrys, Alternate - absent

OTHER:

Sue Goggin, Town Planner/ZEO/WEO
Lori Rotella, Assistant ZEO - absent
Wayne Zirolli, Borough Engineer
Public - 0

SHOW CAUSE HEARING

6:00 P.M. Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Susan Goggin noted that she and Wayne Zirolli had been out to the property to inspect. Some of the plantings are in and more wood chips have been spread. Sue noted there should be more of a berm created on the lower end of the driveway on the right. Sue will stop out and show Louise Gertz where that should be installed. There are more plants to be put in, wood chips to be spread and gravel left to be done. Louise noted it should take approximately another month or two to finish.

REGULAR MEETING

1. Mary Davis called this meeting to order at 6:00 P.M. Mary noted there was a quorum. Mary opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney.
There was none.
3. Public comment
There was none.

4. **OLD BUSINESS**

- A. Long Meadow Pond Brook ERT Study

There was no new information.

- B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Auto.

Susan Goggin explained there is nothing new to report on this. They have not started any work in the industrial park. A Better Way hired Steven Trinkaus, an Engineer out of Southbury, to try and redesign the site due to the cost of the original plans. No revised plans have been submitted at this time.

- C. Commission discussion/decision regarding application for proposed mixed use development at 100 Prospect Street (Prospect Street School, IW #16-03), Applicant: Florian Properties, LLC

Mary Davis noted that the commission will also discuss item D. IW #16-04 discussion regarding earth excavation at 100 Prospect Street at the same time as item C. IW # 16-03. Mary Davis also wanted to mention for the record that at last month's meeting they thought this could possibly be an administrative approval but did not have the plans at that point. After further review, the regulations do allow for the commission to regulate beyond the 100 foot buffer, Section 3, page 6, 2.30. It is in DEP 1997 Upland Review Area Guidance Document. "The Agency may rule that any other activity located within such upland review area or in any other non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity." This language allows for the commission the authority to regulate this. Mary noted that the Wetlands Regulations were amended in February 2009 to include this language. The commission had concerns with the changes in grading and the run off into the brook. For this reason, they moved forward with this as an actual application. Attorney Kevin McSherry completely disagreed. He stated there are no wetlands and that the regulations speak about the 100 foot upland review area and not beyond that area. Attorney McSherry provided a report from a soil scientist stating there are not wetland issues for this property and that the wetlands are more than 150 feet away. There was a lengthy discussion on whether this should be processed as an application or just an administrative approval. Attorney McSherry and Mary Davis disagreed on the interpretation of the regulation. Mary stated if something is going to affect a water course and they are outside of the buffer area, they have a right to review per the language adopted in 2009 to the Wetlands Regulations. Attorney McSherry stated that the run off is going into an existing drainage system since 1955. He also stated that storm water drainage is under the authority of the zoning commission. Susan Goggin explained both applications being submitted to the commission and the process that is required for the applications to go through including what approvals are needed.

Meeting recessed at 6:46 p.m.

Meeting reconvened at 6:57 p.m.

Mary Davis explained that the commission will process both IW #16-03 and IW #16-04 together as a regular wetlands application. She also noted that all fees have been paid. Attorney Kevin McSherry explained in detail the applications to the commission. Susan explained that she can issue one permit with both application numbers and all of the conditions listed on it.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Tracy DeBarber that application Prospect Street School, IW #16-03, Applicant: Florian Properties, LLC is not a significant activity.

VOTED: Unanimously on a motion by Sally MacKenzie and seconded by Tracy DeBarber that application 100 Prospect Street (Prospect Street School), IW #16-04, Applicant: Florian Properties, LLC is not a significant activity.

There was a discussion on the details of the application regarding the location of the parking lot. Attorney McSherry explained the details of the infiltration system and the dry wells. Wayne Zirolli explained how the dry wells work and that there will be zero

increase in runoff. He also explained how the system is maintained. Wayne is satisfied that the site is well protected. Mary had the GIS map printed May 4, 2016 submitted into the record.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Sally MacKenzie to **APPROVE** IW #16-03 Florian Properties regarding mixed use development at 100 Prospect Street (Prospect Street School) with standard conditions to apply as well as special conditions:

1. Install temporary erosion and siltation fence and hay bales in stages, as necessary, during excavation and construction as needed.
2. Install silt sacks in all existing and newly constructed catch basins.
3. Reinforce erosion and siltation fences as necessary with double fencing and/or hay bales.
4. During excavation, the trucks need to wash tires before leaving the site.

- D. Commission discussion/decision regarding applicant for earth excavation at 100 Prospect Street (Prospect Street School, IW #16-04), Applicant: Florian Properties, LLC

All discussion took place under item Old Business C.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Mark Bakstis to **APPROVE** IW #16-04 special application for earth excavation at 100 Prospect Street (Prospect Street School), Applicant: Florian Properties, LLC with the same conditions as IW #16-03.

VOTED: Unanimously on a motion by Mark Bakstis and seconded by Tracy DeBarber to **COMBINE** IW #16-03 Applicant: Florian Properties, LLC and IW #16-04 Applicant: Florian Properties, LLC with all of the same conditions approved separately.

5. **NEW BUSINESS**

- A. Commission discussion regarding administrative approval for proposed restaurant at 233 Rubber Avenue (former VFW), Applicant: Mehmet Yilmaz

Susan Goggin explained that the VFW sold the building and the new owners would like to put a restaurant there. Susan showed the commission the map submitted by the applicant and what area of the building the restaurant would be located. There is no work to be done to the exterior of the building except for moving a handicap parking space closer to the ramp. This was decided to be an administrative approval.

- B. Additional items require a 2/3 vote of the Commission.

There was none.

6. **CORRESPONDENCE**

There was none.

7. **WEO REPORT**

A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Mary recapped the discussion from the April 2016 meeting. Staff could not send out a letter due to the fact that we do not have a citation officer. This is on hold for the time being. The only issue the Wetlands Commission has at this time is the rain garden. The trailer is considered to be a zoning issue. Susan Goggin explained that the town is working on trying to rewrite the town ordinance, with the help of Attorney Fitzpatrick, to allow for zoning and blight issues to be considered criminal activities. There are also issues with the building inspector. Once the Mayor appoints a hearing officer we can send the letter out to Autohaus.

B. Naugatuck HS Renovation (IW#12-04) – water quality test results

Wayne Zirolli stated another sampling was done in April and he has not received the results yet. He does expect them anytime now. Wayne will get types of water quality standards for the commission.

8. **Review/Approval** of the May 4, 2016 Public Hearing and Regular Meeting Minutes.

The May 4, 2016 Public Hearing and Regular Meeting Minutes were not voted on this month due to not having a quorum.

9. **ADMINISTRATIVE BUSINESS**

Mary Davis discussed the issue again regarding the review of IW #16-03 and IW #16-04. She did some research and found the CACIWC issue from the Winter of 2014 that explained why the commission had the right to review the application the way they did. Again she noted they adopted this language in 2009. She read more passages from The Habitat Winter 2014 issue and other issues. She wanted to make sure that the commissioners read the literature that they receive to keep up on issues and how to handle them. The commission has to feel justified to review applications.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Mark Bakstis to **ADJOURN** the meeting at 8:30 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /lr